

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

GLEND A BRUNK,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:17-CV-188-SNLJ
)	
CONSECO BANK INC. and U.S.)	
BANK N.A. AS TRUSTEE FOR)	
CONSECO FINANCE HOME EQUITY)	
LOAN TRUST 2002-A,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff’s “Emergency Motion Seeking Court Order for U.S. Bank to Produce the Original Note” (#29). This Court previously dismissed plaintiff’s wrongful acceleration claim (Count I) against U.S. Bank because plaintiff’s claim was based upon copies, not originals, of the Note and allonges. (#27 at p. 6). However, it was explained that plaintiff “may examine the original Note and allonges and refile.” (*Id.*). Since then, plaintiff has apparently been unable to meet with U.S. Bank’s representatives in Chicago, Illinois, to review the original documents and therefore demands “an order from this court directing U.S. Bank N.A. as Trustee to produce the original Note on [plaintiff’s home] in Ellington, MO, together with all allonges, indorsements, or other related documents at the U.S. Court for the Eastern District of Missouri at the Federal courthouse in Cape Girardeau, MO[.]” (#29 at p. 1). U.S. Bank opposes the motion (#31), arguing “there is no basis to force U.S. Bank to bear

this cost or [its attorney] to bear the burden of traveling several hours each way.” (#31 at p. 3). U.S. Bank also points out the document must be “closely guarded” because the original Note and allonges are bearer paper, and a holder of bearer paper may enforce it just by possessing it. (#31 at p. 4). Finally, U.S. Bank notes it has proposed times for which plaintiff could view the original Note and allonges in Chicago, but indicates it received no response. (#31 at p. 2-3).

The Court agrees with U.S. Bank. Plaintiff, who did not file a reply brief, offers no explanation as to why U.S. Bank should bear this cost. Therefore, plaintiff’s motion will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s “Emergency Motion Seeking Court Order for U.S. Bank to Produce the Original Note” (#29) is **DENIED**.

So ordered this 19th day of September, 2018.

A handwritten signature in dark ink, appearing to read "Stephen N. Limbaugh, Jr.", is written over a horizontal line.

STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE